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BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON.

IN THE MATTER OF
INLAND FOUNDRY COMPANY, INC.,

Appellant,

v.

SPOKANE COUNTY AIR POLLUTION
CONTROL AUTHORITY,

Respondent.

PCHE No. 83-170

ORDER GRANTING MOTION
TO DISMISS APPEAL

Respondent Spokane County Air Pollution Control Authority's Motion to Dismiss was heard by the Board on September 12, 1983, by telephone conference call. Respondent was represented by its attorney Edward J. Parry; appellant was represented by its attorney Eric Naves.

Having considered the motion and documents in support and opposition to the motion, and the file and record herein, the Board concludes that the motion should be granted.

When a local air pollution control board has reason to believe that a violation of RCW 70.94 has occurred, it may petition the

1 superior court of the county wherein the violation is alleged to be
2 occurring or to have occurred for a restraining order or a temporary
3 or permanent injunction." RCW 70.94.425. This statute enables that
4 board to seek an injunction in addition to other available remedies.
5 Whether an injunction is an appropriate remedy is a decision for the
6 superior court.

7 The statute provides for the superior court to review the
8 pertinent facts of the case. It does not provide for review by this
9 Board of an air pollution control board's decision to seek an
10 injunction, nor does it provide for such under any other statutory
11 authority cited by the parties.

1 Accordingly, the Spokane County Air Pollution Control Authority's
2 motion to dismiss is granted for lack of jurisdiction.

3 DONE this 8/5th day of September, 1983.

4 POLLUTION CONTROL HEARINGS BOARD

5
6 David Akana
7 DAVID AKANA, Lawyer Member

8 Gaile Rothrock
9 GAILE ROTHROCK, Chairman

10 Larry Faulk
11 LARRY FAULK, Member
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CERTIFICATION OF MAILING

I, Janet L. Huff, certify that I mailed, postage prepaid, copies of the foregoing document on the 30th day of September, 1983, to each of the following-named parties at the last known post office addresses, with the proper postage affixed to the respective envelopes.

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Spokane, WA 99201

Inland Foundry Company, Inc.
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JANET L. HUFF
POLLUTION CONTROL HEARINGS BOARD

ORDER GRANTING MOTION
TO DISMISS APPEAL
PCHB No. 83-170